

UNITED STATES DISTRICT COURT

Southern District of Indiana

UNITED STATES OF AMERICA

v.

JOSEPH FURANDO

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:13CR00189-004

USM Number: 65853-050

James H. Voyles

Defendant's Attorney

THE DEFENDANT:☒ pleaded guilty to count(s) 1, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 39, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 and 65☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 371	Conspiracy to Commit Criminal Offense and to Defraud the United States	5/31/2012	1
18 U.S.C. § 1343	Wire Fraud	6/22/2010	13
18 U.S.C. § 1343	Wire Fraud	7/29/2010	14
18 U.S.C. § 1343	Wire Fraud	8/11/2010	15
18 U.S.C. § 1343	Wire Fraud	9/29/2010	16
18 U.S.C. § 1343	Wire Fraud	10/19/2010	17

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/7/2016

Date of Imposition of Judgment

Sarah Evans BarkerSARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana1/21/2016

Date

DEFENDANT: JOSEPH FURANDO
CASE NUMBER: 1:13CR00189-004

ADDITIONAL COUNTS OF CONVICTION
(Continual)

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1343	Wire Fraud	11/12/2010	18
18 U.S.C. § 1343	Wire Fraud	11/15/2010	19
18 U.S.C. § 1343	Wire Fraud	12/21/2010	20
18 U.S.C. § 1343	Wire Fraud	1/24/2011	21
18 U.S.C. § 1343	Wire Fraud	2/23/2011	22
18 U.S.C. § 1343	Wire Fraud	03/07/2011	23
18 U.S.C. § 1343	Wire Fraud	4/12/2011	24
18 U.S.C. § 1343	Wire Fraud	5/3/2011	25
18 U.S.C. § 1001	False Statements	5/24/2012	39
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	8/27/2010	54
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	5/4/2011	55
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	06/01/2011	56
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	6/14/2011	57
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	6/7/2011	58
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	6/22/2011	59
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	7/11/2011	60
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	10/4/2011	61
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	10/07/2011	62
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	12/12/2011	63
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	12/30/2011	64
18 U.S.C. § 1957	Engaging in Prohibited Financial Transactions	12/30/2011	65

AO 245B (Rev. 09/13) Judgment in Criminal Case
Sheet 2 — Imprisonment

Judgment — Page 2 of 5

DEFENDANT: JOSEPH FURANDO
CASE NUMBER: 1:13CR00189-004

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 240 months

60 months on each of Cts. 1 and 39, concurrent; 240 months on each of Cts. 13 through 25, concurrent; 120 mos. on each of Cts. 54 through 65, concurrent to all counts

- ☒ The court makes the following recommendations to the Bureau of Prisons:
Designation to Otisville, New York; that the defendant participate in mental health treatment; and that the Bureau of Prisons make a determination if the defendant is appropriate for RDAP.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JOSEPH FURANDO

CASE NUMBER: 1:13CR00189-004

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : 3 years on each count, concurrent

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16913, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the conditions listed below:

CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- 3) The defendant shall answer all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 5) The defendant shall notify the probation officer prior to any change in residence or employer.
- 6) The defendant shall not meet, communicate, or otherwise interact with a person whom the defendant knows to be engaged, or planning to be engaged, in criminal activity, or whom the defendant knows to have been convicted of a felony, unless granted permission to do so by the probation officer.
- 7) The defendant shall permit a probation officer to visit him at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 8) The defendant shall notify the probation officer within 72 hours of being arrested or having any official law enforcement contact.
- 9) The defendant shall provide the probation officer access to any requested financial information.
- 10) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- 11) The defendant shall submit to the search of his person, vehicle, office/business, residence and property, including computer systems and Internet-enabled devices, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving the defendant. Other law enforcement may assist as necessary. The defendant shall submit to the seizure of any contraband that is found, and should forewarn other occupants or users that the property may be subject to being searched.
- 12) The defendant shall have no contact with any witnesses, victims, or co-defendants in this case, except for his spouse.

AO 245B (Rev. 09/13) Judgment in a Criminal Case
Sheet 3C — Supervised Release

Judgment—Page 3.01 of 5

DEFENDANT: JOSEPH FURANDO
CASE NUMBER: 1:13CR00189-004

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the condition of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

DEFENDANT: JOSEPH FURANDO
CASE NUMBER: 1:13CR00189-004

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 2,700.00	\$	\$ 56,135,811.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

See Attachment

TOTALS	\$ <u>56,135,811.00</u>	\$ <u>56,135,811.00</u>
---------------	-------------------------	-------------------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JOSEPH FURANDO
CASE NUMBER: 1:13CR00189-004**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☐ Lump sum payment of _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance ☐ C ☐ D ☐ E, or ☐ G below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ G below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ If this case involves other defendants, each may be held jointly and severally liable for payment of all or part of the restitution ordered herein and the Court may order such payment in the future. The victims' recovery is limited to the amount of loss, and the defendant's liability for restitution ceases if and when the victims receive full restitution.
- G** ☒ Special instructions regarding the payment of criminal monetary penalties:
Any unpaid restitution balance during the term of supervision shall be paid at a rate of not less than 10% of the defendant's gross monthly income.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

<u>Defendant Name</u>	<u>Case Number</u>	<u>Joint & Several Amount</u>
Brian Carmichael	1:13CR00194-001	\$56,135,811.00
E-Biofuels, LLC	1:13CR00189-006	\$56,135,811.00
Caravan Trading Company	1:13CR00189-007	\$56,135,811.00
CIMA Green, LLC	1:13CR00189-008	\$56,135,811.00

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s): _____
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
all personal property and assets seized by the government.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

<u>Victim</u>	<u>Loss Amount</u>
Archer Daniels Midland Company	\$10,253
Astra Oil Company, LLC	\$237,736
Atlantic Trading & Marketing	\$65,600
Atlas Oil Company	\$96,425
Bay Area Diablo d/b/a Golden Gate Petroleum	\$76,860
BP Products North America	\$1,118,765
Buckeye Pipeline Company, LP	\$37,724
Carson Oil Company, Inc.	\$57,845
Chevron U.S.A., Inc.	\$1,095,428
Chronister Oil	\$72,861
Citgo Petroleum Corporation	\$868,803
City Service Valcon, LLC	\$13,169
Coffeyville Resources Refining	\$10,975
Colonial Oil Industries, Inc.	\$94,792
ENI Trading & Shipping, Inc.	\$29,671
Equitable Oil Purchasing	\$4,034
Exxon Mobil Corporation	\$3,867,792
Flint Hills Resources, LP	\$173,608
George E. Warren Corporation	\$2,293
Glencore, LTD	\$36,765
Gulf Oil Limited Partnership	\$17,152
Hartland Fuel Products, LLC	\$205,064
Hess Corporation	\$151,600
Holly Frontier Refining & Marketing, LLC	\$478,302
Houston Refining, LP	\$277,766
IPC (USA), Inc.	\$69,896

Irving Oil Terminals, Inc.	\$214,181
Kempler & Company, Inc.	\$66,493
Kolmar Americas, Inc.	\$257,898
Lansing Trade Group, LLC	\$72,454
Lincoln Oil Company, Inc.	\$20,653
Lukoil Pan Americas, LLC	\$83,862
Magellan Asset Services, LP	\$7,645
Marathon Petroleum Company, LP	\$604,773
MKM Oil, Inc.	\$10,134
Motiva Enterprises, LLC	\$620,676
Murphy Oil USA, LLC	\$292,084
Musket Corporation	\$110,871
National COOP Refinery Association	\$566,819
Nella Oil Company, LLC n/k/a Flyers	\$18,704
NIC Holding Corporation	\$27,134
NOCO Energy Corporation	\$803
Pasadena Refining Systems, Inc.	\$13,228
Paulsboro Refining Company, LLC	\$3,591
Petroleum Products Corporation n/k/a Pyramid, LLC	\$38,532
Phillips 66 Company	\$649,000
Pilot/Flying J	\$5,192,150
PMCI Services, Inc. d/b/a RIN Alliance	\$22,782
Shell Chemical, LP – Mobile	\$109,120
Shell Oil Company	\$151,815
Shell Products (US)	\$68,545
Shell Trading Company (US)	\$109,798
Sound Refining, Inc. a/k/a Targa Sound Refining	\$58,835

Statoil Marketing & Trading	\$39,816
Sunoco, Inc. (R&M)	\$1,047,971
Tesoro Corporation	\$768,786
Total Petrochemical & Refining USA	\$131,138
Trafigura AG	\$551
Valero Energy Corporation	\$1,195,679
Venture Fuels, LLC	\$112,568
VICNRG, LLC	\$203,749
Vinmar Overseas, LTD	\$1,551
Vitol, Inc.	\$197,255
Western Refining Company	\$81,310
Western Refining Southwest, Inc.	\$9,293
WRB Refining, LP	\$699,907
Internal Revenue Service	\$33,082,478
TOTAL	\$56,135,811